

BOARD DOCUMENT 10-01

**STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS MEETING
MONDAY, JULY 19, 2010, 10:00 A.M.
INDIANA GOVERNMENT CENTER SOUTH,
402 W. WASHINGTON STREET, ROOM W064
INDIANAPOLIS, IN 46204**

MINUTES OF THE MEETING

BOARD MEMBERS PRESENT:

David Demuth, President
Diane Weisheit, Vice President
Diana Bonn
Joseph Barsic
Gary Odell
Dr. Rebecca Bushong

STATE OFFICIALS PRESENT:

Tracy Hicks, Board Director
Tina Wiseley, Assistant Director
Philip Thompson, Deputy Attorney General

**MINUTES TRANSCRIBED AND
COMPILED BY:**

Tracy Hicks, Board Director

**MINUTE 10-01
CALL TO ORDER AND ESTABLISHMENT OF QUORUM**

The committee meeting was called to order at 10:00 a.m. by D. Demuth pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

**MINUTE 10-02
ADOPTION OF THE AGENDA**

D. Bonn moved to adopt the July 19, 2010 amended agenda. R. Bushong seconded the motion. Motion carried.

**MINUTE 10-03
ELECTION OF OFFICERS**

D. Bonn moved to nominate D. Demuth as President of the board. D. Weisheit seconded the motion. Motion carried.

D. Weisheit moved to elect D. Demuth as President of the board. R. Bushong seconded the motion. Motion carried.

D. Bonn moved to nominate D. Weisheit as Vice President of the board. R. Bushong seconded the motion. Motion carried.

D. Weisheit moved to elect D. Weisheit as Vice President of the board. R. Bushong seconded the motion. Motion carried.

D. Weisheit moved to appoint D. Bonn as the Beauty Culture Professional Complaint Liaison for the board. R. Bushong seconded the motion. Motion carried.

D. Weisheit moved to appoint G. Odell as the Barber Complaint Liaison for the board. J. Barsic seconded the motion. Motion carried.

MINUTE 10-04

ADOPTION OF THE MINUTES OF THE MAY 17, 2010 MEETING OF THE STATE BOARD OF COSMETOLOGY EXAMINERS

D. Bonn moved to approve the minutes of the May 17, 2010 meeting of the State Board of Cosmetology Examiners. D. Weisheit seconded the motion. Motion carried.

MINUTE 10-05

ADOPTION OF THE MINUTES OF THE NOVEMBER 9, 2009 MEETING OF THE STATE BOARD OF BARBER EXAMINERS

D. Weisheit moved to approve the minutes of the November 9, 2009 meeting of the State Board of Barber Examiners. D. Bonn seconded the motion. Motion carried.

MINUTE 10-06

ADMINISTRATIVE HEARING IN THE MATTER OF BRENDA MCCOY, BC09001587, SBCE 07-40

D. Weisheit moved to find Brenda McCoy in default. R. Bushong seconded the motion. Motion carried.

D. Bonn moved to revoke the license in the matter of Brenda McCoy, BC09001587, SBCE 07-40. R. Bushong seconded the motion. Motion carried.

MINUTE 10-07

ADMINISTRATIVE HEARING IN THE MATTER OF LOVELY NAILS, MS30600511, SBCE 08-27

D. Weisheit moved to issue a notice of proposed default in the matter of Lovely Nails, MS30600511, SBCE 08-27. R. Bushong seconded the motion. Motion carried.

MINUTE 10-08

ADMINISTRATIVE HEARING IN THE MATTER OF JAY T. VO, MA20705278, SBCE 07-54A

D. Bonn moved to remove probation in the matter of Jay T. Vo, MA20705278, SBCE 07-54A. R. Bushong seconded the motion. Motion carried.

MINUTE 10-09

ADMINISTRATIVE HEARING IN THE MATTER OF CINDY'S NAILS, MS30300608 AND PAUL H. PHUNG, MA29900189, SBCE 09-04

D. Bonn moved to remove probation in the matter of Cindy's Nails, MS30300608, and Paul H. Phung, MA29900189, SBCE 09-04. D. Weisheit seconded the motion. Motion carried.

MINUTE 10-10

ADMINISTRATIVE HEARING IN THE MATTER OF U.S. NAILS MS39800399, ISBC 01-59

D. Weisheit moved to deny modification of probation and require a list of employees each month and an inspection by the Compliance Division. D. Bonn seconded the motion. Motion carried.

MINUTE 10-11

ADMINISTRATIVE HEARING IN THE MATTER OF ROSE NAILS MS39700406 AND TRANG T. PHUNG, MA29300974, SBCE 01-59

Respondent amended their petition to consider also Rose Nails for modification of probation.

D. Bonn moved to withdraw probation in the matter of Rose Nails, MS39700406, and Trang T. Phung, MA29300974, SBCE 01-59. R. Bushong seconded the motion. Motion carried.

MINUTE 10-12**ADMINISTRATIVE HEARING IN THE MATTER OF MARSHALL PENCE, BA10400047, BI10400050, SBBE 08-14**

J. Barsic moved to deny the petition for modification of probation and maintain indefinite probation with no right to petition for modification within six (6) months from the date of the final order. J. Barsic further moved to require monthly reports of employment in Indiana or any other state, signed by the employer, indicating hours of employment. D. Bonn seconded the motion. Motion carried.

MINUTE 10-13**ADMINISTRATIVE HEARING IN THE MATTER OF LOUIS J. ROBB, BA19300042, BI9900063, SBBE 02-09**

G. Odell moved to remove probation upon receipt of approved inspection of Respondent's barber school, Lil Lou's Barber School, BS50800037. D. Bonn seconded the motion. Motion carried.

MINUTE 10-14**PERSONAL APPEARANCES AND CONSIDERATION OF APPLICATION FOR LICENSE RENEWAL**

Julie M. Anderson, Cosmetologist, BC20601506. D. Weisheit moved to deny the renewal application due to the fact that the licensee failed to appear. D. Bonn seconded the motion. Motion carried.

Swanger T. Gibson, Jr., Cosmetologist and Beauty Culture Instructor, BC08705751. D. Weisheit moved to deny the renewal application due to the fact that the licensee failed to appear. D. Bonn seconded the motion. Motion carried.

Alberta Y. Thompson, Cosmetologist, BC29800188. D. Weisheit moved to deny the renewal application due to the fact that the licensee failed to appear. D. Bonn seconded the motion. Motion carried.

Theresa S. Shoemaker, Cosmetologist, BC08705947. D. Bonn moved to approve renewal of the license on probation until criminal probation is released. R. Bushong seconded the motion. Motion carried.

Catherine E. James, Cosmetologist, BC02240359 – D. Bonn moved to approve the application for renewal. D. Weisheit seconded the motion. Motion carried.

Brooke R. Rhea, Cosmetologist, BC29801567 – D. Bonn moved to approve the application for renewal. R. Bushong seconded the motion. Motion carried.

Paul K. Cox, Cosmetologist, BC20602153 – D. Bonn moved to approve renewal of the license on probation until criminal probation is released. R. Bushong seconded the motion. Motion carried.

Donnita D. Rushton, Cosmetologist, BC29900441 – D. Weisheit moved to approve the application for renewal. R. Bushong seconded the motion. Motion carried.

MINUTE 10-15**PERSONAL APPEARANCES**

Brenda Anderson, BC02117855, SBCE 07-42 – No show, D. Bonn moved to issue a notice of Show Cause. D. Weisheit seconded the motion. Motion carried.

Qui C. Lam, MA29801186, SBCE 09-03 & Today's Nails/Tan, MS30400706, SBCE 09-02 – No show. D. Weisheit moved to issue a notice of Show Cause. D. Bonn seconded the motion. Motion carried.

Ly Huu Phan for Lovely Nails, MS30600511, SBCE 08-27 – No show. He also failed to show for the hearing scheduled today.

Nail Expo, MS30500736, SBCE 08-17 – No show. D. Weisheit moved to issue a notice of Show Cause. D. Bonn seconded the motion. Motion carried.

Beth Ann Ward, BA08700793, SBBE 07-01 - appeared
Rex Howard, BA10900152, SBBE 09-12 - appeared

MINUTE 10-16

CONSIDERATION OF COSTS AS PROVIDED BY IC 25-1-11-18

D. Weisheit moved to approve the costs in the matter of Brenda Anderson, BC02117855, SBCE 07-42 in the amount of \$186.79. D. Bonn seconded the motion. Motion carried.

MINUTE 10-17

ADOPTION OF LSA DOCUMENT #09-865

G. Odell moved to adopt LSA Document #09-865. J. Barsic seconded the motion. Motion carried.

MINUTE 10-18

CONSIDERATION OF REQUESTS FOR WAIVER OF 820 IAC 4-1-5(d), COMPLETION OF EDUCATION WITHIN THREE YEARS OF ENROLLMENT

Jennifer Richards – D. Weisheit moved to approve the request for waiver and allow six months to complete the education. D. Bonn seconded the motion. Motion carried.

Sarah Wright – D. Weisheit moved to approve the request for waiver and allow six months to complete the education. R. Bushong seconded the motion. Motion carried.

Brittany Osborne – D. Weisheit moved to approve the request for waiver and allow six months to complete the education. R. Bushong seconded the motion. Motion carried.

Tiffany Barnett – D. Weisheit moved to approve the request for waiver and allow one year to complete the education. R. Bushong seconded the motion. Motion carried.

Tara Beach-Richard – dw moved to deny the request rb seconded.

Donesha Mooror – D. Weisheit moved to approve the request for waiver and allow six months to complete the education. R. Bushong seconded the motion. Motion carried.

Briana Bower – D. Bonn moved to approve the request for waiver and allow until December 31, 2010 to complete the education. R. Bushong seconded the motion. Motion carried.

Stacy Hancher – D. Bonn moved to approve the request for waiver and allow her until January 31, 2011 to complete the education. R. Bushong seconded the motion. Motion carried.

Kimberly McClinton – R. Bushong moved to approve the request for waiver and allow one year to complete the education. D. Bonn seconded the motion. Motion carried.

MINUTE 10-19

CONSIDERATION OF REQUESTS FOR WAIVER OF 820 IAC 2-2-3(b), FIRST ATTEMPT EXAMINATION WITHIN ONE YEAR OF GRADUATION

Rheilyn A. Beckwith – D. Bonn moved to approve the waiver request and allow her three months to sit for the examination. D. Weisheit seconded the motion. Motion carried.

Brooke Byers – D. Bonn moved to approve the waiver request and allow her three months to sit for the examination. R. Bushong seconded the motion. Motion carried.

MINUTE 10-20**CONSIDERATION OF REQUESTS FOR WAIVER OF 820 IAC 2-2-3(b) and 816 IAC 1-2-19, COMPLETION OF THE EXAMINATION WITHIN THREE YEARS OF GRADUATION**

Jacqueline Hart, Cosmetology Applicant – D. Weisheit moved to approve the waiver request and allow her six months to pass the examination. R. Bushong seconded the motion. Motion carried.

Eric Hanspard, Barber Applicant - D. Weisheit moved to approve the waiver request and allow him until December 31, 2010 to pass the examination. R. Bushong seconded the motion. Motion carried.

MINUTE 10-21**CONSIDERATION OF REQUESTS FOR WAIVER OF IC 25-8-7-3; IC 25-8-12.6-3, IC 25-8-7.2-3, SIX MONTH LICENSURE REQUIREMENT TO MANAGE A SALON**

Valerie Whiteman, ES21011939 – D. Weisheit moved to grant the request for waiver. R. Bushong seconded the motion. Motion carried.

Daryn Wilkins, BC21011764 – D. Weisheit moved to deny the request for waiver. R. Bushong seconded the motion. Motion carried.

MINUTE 10-22**REQUEST FOR WAIVER OF THE EXAMINATION REQUIREMENT TO REINSTATE AN EXPIRED LICENSE**

Karen L. Finch, BC08626670 – D. Weisheit moved to approve the request for waiver and allow renewal without passing the examination. D. Bonn seconded the motion. Motion carried.

MINUTE 10-23**REQUEST TO TRANSFER SALON LICENSE PURSUANT TO IC 25-8-4-4**

The Nail Studio by Terry Becht – D. Weisheit moved to grant the request to transfer the salon license to a new location. D. Bonn seconded the motion. Motion carried.

MINUTE 10-24**GRANTING OR DENYING PETITION FOR REVIEW AND APPOINTMENT OF ADMINISTRATIVE LAW JUDGE**

D. Bonn moved to grant the petition for review and appoint D. Demuth as the Administrative Law Judge in the matter of Evangeline C. Alderson. R. Bushong seconded the motion. Motion carried.

D. Weisheit moved to grant the petition for review and appoint J. Barsic as the Administrative Law Judge in the matter of Anthony Jackson. D. Bonn seconded the motion. Motion carried.

MINUTE 10-25**PAST PRECEDENTS**

The board should continue with the same precedents as previous boards. This shall be discussed at a later date.

MINUTE 10-26**SPA PARTIES**

D. Bonn moved to request the compliance division investigate the spa parties ad and file a complaint. R. Bushong seconded the motion. Motion carried.

MINUTE 10-27
APPLICATION COMMITTEE REPORT

D. Bonn moved to accept the following application committee report as follows. R. Bushong seconded the motion. Motion carried.

COSMETOLOGY EXAMINATION APPLICATIONS

Cook, Rhonda – Approved on PROBATION

Martin, Leanne Marie – DENIED – past 1 year to take exam – 820 IAC 2-2-3(b)

Townsel, Trishundra – Approved on PROBATION

COSMETOLOGIST PROVISIONAL APPLICATION

Elcholi, Maha – APPROVED

Hernandez, Martha Mateo – APPROVED

MANICURIST RECIPROCITY APPLICATIONS

Dao, Anh Nhut Le – Denied – IC 25-8-4-2(a)(2) & 820 IAC 4-4-5 – Not enough education hours

Dziepak, Leslie A. – DENIED – IC 25-8-4-2(a)(2) & 820 IAC 4-4-5 – Not enough education hours

Huynh, Kim-Dung Bich – DENIED – IC 25-8-4-2(a)(2) – School information differs on transcripts, certification, and application

Le, Jennie B. – DENIED – IC 25-1-11-5(a)(1)(A), IC 25-1-11-19(b)(1), IC 25-8-4-2(a)(2), IC 25-8-4-2(c)(1), and 820 IAC 4-4-5) – Unlicensed practice, possible fraudulent documents, incomplete application (no notary signature or seal on affidavit), no proof of work experience

Trinh, Tuyet Mai Thi – DENIED – Not enough work experience – IC 25-8-4-2(c)(1)

MANICURIST EXAMINATION APPLICATIONS

Duong, Grace Quynh Giao Thuy – Tabled until she is 18 years old

Nguyen, Thuy Thi – DENIED – IC 25-1-11-5 (a)(1)(A) and IC 25-1-11-19(a)(1)(B) – Picture of person who applied and person who took the examination are different

Nguyen, Tam Duy – Denied – Not enough education hours – IC 25-8-11-4(3) & 820 IAC 4-4-5

MANICURIST PROVISIONAL APPLICATION

Bezlutka, Nadine Yakivna - Approved

ESTHETICIAN RECIPROCITY APPLICATION

Davis, April Nicole – Tabled for proof of work experience

ESTHETICIAN EXAMINATION APPLICATION

Hill, Christi – DENIED – IC 25-8-12.5-4(3) & 820 IAC 4-4-7.1 – Not enough education hours

ESTHETICIAN PROVISIONAL APPLICATION

Thompson, Naranchimeg – APPROVED

INSTRUCTOR EXAMINATION APPLICATION

Desena, Chad A. – APPROVED

Riley, Janua – Tabled for final disposition of conviction

BARBER RECIPROCITY APPLICATION

Hoxha, Mefail – Tabled for more information on provisional application

BARBER PROVISIONAL APPLICATION

Castillo, Ramon Antonio – Tabled for more information on provisional application

MANICURING SALON APPLICATION

Holly Spa & Nails – Tabled for additional inspection

MINUTE 10-28
RULES COMMITTEE REPORT

D. Weisheit will have a proposed draft for mobile salon rules ready by the next meeting.

MINUTE 10-29
ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 5:45 p.m.

DATED: _____

DAVID DEMUTH, PRESIDENT

ATTEST BY:
TRACY HICKS, BOARD DIRECTOR